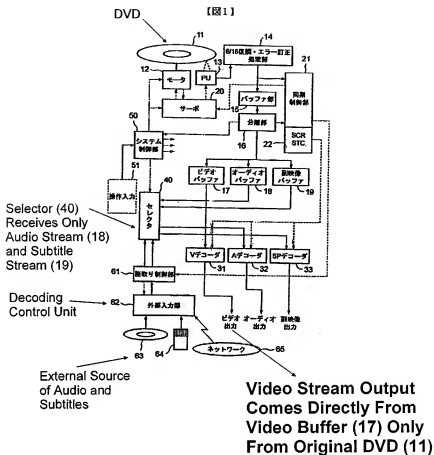## REMARKS

Applicant appreciates the telephone conference initiated by Examiner Zhao on May 6, 2009, wherein he indicated that the subject matter of dependent Claims 88, 97 and 101 would be allowable if independently written.

Additionally, the Examiner requested that we provide method steps in Claim 87 in the body of the claim. Claim 87 has now been amended in accordance with the request of the Examiner, and additionally, we have identified apparatus for effectuating a recording method, for example in accordance with Figure 39, associated with the home entertainment embodiment which discloses servers for recording on the hard drive.

In reviewing the claims, there were minor corrections to rectify typographical errors, for example in Claims 87, 97 and 100. Applicant has also further modified the dependent Claim 88 and has provided a new Claim 102, dependent from Claim 88.

During the telephone conference, *Onoda et al.* (Japanese Patent Publication 2002-247526) was discussed. The following schematic is taught by the *Onoda et al.* reference in Figure 1 as follows:

DVD 【図1】

Selector (40)
Receives Only
Audio Stream (18)
and Subtitle
Stream (19)

Decoding
Control Unit

External Source
of Audio and
Subtitles

**Video Stream Output
Comes Directly From
Video Buffer (17) Only
From Original DVD (11)**

As can be seen in the *Onoda et al.* reference, it does not provide the ability to have significant features after, for example, the original distribution of a movie title to meet the demands of the purchasing public if the movie title becomes extremely successful. In such an environment there is a desire to add additional video features and supplemental features that could be integrated or a seamless playback with options available for interaction with the user.

For example, when a production is released on video, the author may not be able to provide all the features nor is it particular cost effective to provide features when it is unknown as to whether the released title will become popular. If, however, the released title becomes very popular, it is a possibility to commercialize the success of the original title by adding post factum

advantageous features including video, in a manner that will permit a complementary, seamless

reproduction to supplement the original optical disc.

This is mentioned in our specification, for example on Page 9, Lines 7-12:

With this arrangement, by referring to the program, it is possible to add, in a post factum manner, what procedure is used to perform the playback using the playlist information, after the optical disc is released. Thus, it is beneficial for after-sales services provided after the optical disc is sold.

and on Page 76, Lines1 4:

...in the case where the movie production recorded on a BD-ROM is a multi-angle type movie production, it is possible to add new scenes and to further enrich the content of the movie production.

The *Onoda et al.* reference (JP 2002-247526) discloses a playback device for playback of

a video stream stored on an optical disc, <u>synchronous with an audio stream and/or a sub-picture</u>

<u>stream</u> that are supplied from an external device. The optical disc mentioned herein is a DVD

video disc.

The stream data stored on the optical disc is read by the optical pickup mechanism (13).

An external stream data can be read by an external input unit 62 from a disc medium 63, the

semiconductor memory medium 64, or the communications medium (e.g., network, etc.).

Examples of the disc medium 63 include a CD, DVD, hard disc, DVD-R, and DVD-RW. (See

Paragraph [0019])

The stream data read from the external source has a packet structure shown in Figure 3.

In order to establish a synchronism with the video packet of the DVD video disc that is currently

being played, the packet header of the external stream contains a presentation time stamp (PTS).

The internal system clock reference of the device is therefore supplied also to the reading control

unit 61.   (See Paragraph [0037])   Just as the video packet is read within the device in

synchronism with the reference time (system clock), the external input packet (audio packet) is also read from the external input unit 62 in synchronism with the reference time within the device.

In the case where a stream of data supplied from the external device represents audio in a language different from the audio language recorded on the DVD video disc 11, the user can view playback of the video recorded on the DVD video disc 11 in synchronism with the audio of that different language. In the case where a stream of data supplied from the external device represents subtitles in a language different from the subtitle language recorded on the DVD video disc 11, the user can view playback of the video recorded on the DVD video disc 11 in synchronism with the subtitles of that different language. (See Paragraph [0036])

A careful review of Figure 1 discloses that the decoding control unit 61 is connected to the SP decoder 40 and the lines of communication disclosing an input and an output from this SP decoder 40, show audio buffer 18 and the sub-picture buffer 19 inputs into the SP decoder along with information from the decoding control unit 62 connected to the external stream of data. Note, the only outputs from the SP decoder 40 are directed to the audio decoder 32 and the SP decoder 33.

As can be readily determined, the video buffer 17 that is receiving the video data from the separation unit is not connected to the SP decoder, but rather is only connected to a video decoder 31.

Accordingly, from Figure 1 alone, the hardware/software structure that is schematically disclosed teaches that a constant video stream from a DVD disk that is being played, is not interrupted, and that the only possible supplemental data that can be inserted from an external source is audio data and SP (sub-picture) data.

Thus, a difference from the teaching of our present invention and that of the cited *Onoda et al.* reference is that the actual data supplied from the external medium (63), other than the optical disk, is incapable of teaching or suggesting, with video data such as AV clips and certainly does not suggest the solution of generating a virtual package as set forth in our claims.

As can be appreciated, our present invention defines characteristics of having playlist information which is described, for example in independent Claim 87 by providing a first playlist information that can identify, by correspondence a file in the package area and the file on the optical disc, where a second digital stream that is recorded on the optical disc can be played in synchronization with the first digital stream. The first playlist information includes information defining a playback path comprising a playback section of the first digital stream and a playback section of the second digital stream, wherein the first playlist information can be used in place of the second playlist information recorded on the optical disc to generate the virtual package.

The same subject matter is provided, for example in Claim 96, and is further defined with the update kit with the second playlist information, showing the correspondence between the files in the first digital stream and the second digital stream in the package area. These same features are also set forth in the playback method of independent Claim 100.
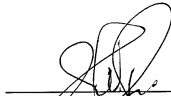
It is respectfully submitted that with a full understanding of the teaching of the *Onoda et al.* reference, our claims cannot be found to be completely anticipated by the *Onoda et al.* reference under 35 U.S.C. §102, nor is our claims obvious over a combination of the *Onoda et al.* publication in view of *Hamasaka et al.* (U.S. Patent No. 7,356,247).

Applicant appreciated the courtesy of the phone conference with Examiner Zhao and would request that if our current response is not satisfactory, the undersigned attorney would

appreciate the courtesy of a further telephone conference with Examiner Zhao and his Primary

Examiner Tran at their convenience.

Very truly yours,

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